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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,095	04/19/2004	Ben Huang	WINN.020C1	1470
20995	7590	11/29/2005		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BLAU, STEPHEN LUTHER	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,095

Applicant(s)

HUANG, BEN

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/14/05, 10/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 14 September 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because

a. Some of the Non Patent Literature Documents listed do not identify a date (References 47, 92, 104 and 107).

b. Some of the US Publications contain incorrect numbers. There appears to be missing zeros (References 30 and 32).

This IDS has been placed in the application file, but the information in the above noted references referred to therein has not been considered as to the merits.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The information disclosure statement filed 25 October 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because some of the Non Patent Literature Documents listed do not identify a date (References 1, 3, 5, 16 and 20). This IDS has been placed in the application file, but the information in the above noted

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references referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Double Patenting

3. The terminal disclaimer dated 14 September 2005 has been entered and approved. As such the rejections under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,733,401 in view of Smith has been removed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (5,797,813) in view of Huang (6,386,989).

Huang (5,797,813) discloses a heat formed recessed (42) reinforced surface formed on a first side edge of a polyurethane layer, a heat compressed non-recessed densified area formed on a second side edge of a polyurethane layer in the form of the surface bonded to the upper surface of a felt layer opposite surface 44 (Fig. 8) and a strip adapted to be spirally wrapped (Fig. 18) about a sleeve with a second side edge of a strip overlying the first side edge of a strip (Fig. 20) to form a relatively smooth surface in the form of the surface between the juncture (Fig. 18).

Huang (5,797,813) lacks an underlisting sleeve having a cap and a nipple. Huang (6,386,989) discloses an underlisting sleeve having a cap (22) and a nipple (Fig. 8) in order to avoid the disadvantages of tape and ferrules (Col. 1, Lns. 26-36). In view of the patent of Huang (6,386,989) it would have been obvious to modify the patent of Huang (5,797,813) to have an underlisting sleeve having a cap (22) and a nipple (Fig. 8) in order to avoid the disadvantages of tape and ferrules.

Allowable Subject Matter

6. Claims 11 and 13 would be allowable if rewritten to overcome the double patenting rejection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious overlying edges forming a seam not exceeding .5 mm in width in addition to the other elements of structure claimed.

7. Claims 1, and 14-16 would be allowable if rewritten or amended to overcome the double patenting rejection(s) set forth in this Office action. With respect to claims 1, none of the prior art discloses or renders as obvious a relatively smooth junction between first and second side edges in addition to the other elements of structure claimed. With respect to claims 14-16, none of the prior art discloses or renders as obvious a method having a step of applying heat through the outside surface of the felt layer to the polyurethane layer at a second side edge of the strip to form a compressed densified area in addition to the other elements of structure claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. The argument that '813 does not have a heat compressed non-recessed densified area formed on a second side edge of a polyurethane layer is disagreed with. The surface of the second side edge which is bonded to the felt layer has this structure. Nothing limits the surface to only be the upper surface which is not bonded to the felt layer. The examiner agrees with the applicants comment to the reasons for allowance.

That is why the examiner placed the statement "in addition to the other elements of structure claimed" in the comments.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLB/ 22 November 2005



STEPHEN BLAU
PRIMARY EXAMINER